

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

BRIAN NAPIER,)	
)	
Plaintiff,)	
)	
v.)	4:18-cv-00078-RLY-DML
)	
CRUISIN, INC.,)	
)	
Defendant.)	


**ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

On January 22, 2019, the Magistrate Judge issued an order to show cause as to why this matter should not be dismissed without prejudice for failure to prosecute. Plaintiff did not respond to the order to show cause by the given deadline, and on March 1, 2019, the Magistrate Judge issued a Report and Recommendation recommending that the case be dismissed without prejudice for failure to comply with the court's order. Plaintiff filed an objection to the Report and Recommendation. Consequently, the court reviews the disposition *de novo*. Fed. R. Civ. P. 72(b)(3).

Plaintiff's sole ground for the objection is that the failure to file a response was "due solely to the oversight of counsel." This statement, without any additional explanation, is insufficient to excuse his failure to respond. Additionally, this order was the second order to show cause that the Magistrate Judge had issued to Plaintiff in this case for failing to meet deadlines. (*See* Filing No. 5).

After reviewing Plaintiff's argument and the Report and Recommendation, this court is satisfied that the decision to dismiss the matter without prejudice is appropriate. Accordingly, the court **ADOPTS** the Magistrate Judge's Report and Recommendation (Filing No. 9) and **DISMISSES** this case without prejudice.

SO ORDERED this 12th day of November 2019.



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Distributed Electronically to Registered Counsel of Record

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